

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

William O. Deans,	)	C/A No.: 5:16-cv-00916-MGL-KDW
	)	
Plaintiff,	)	
	)	
v.	)	
	)	ORDER
Brenda Bowen and Folline Vision Center	)	
Inc.,	)	
	)	
Defendants.	)	
	)	

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This matter comes before the Court on Defendant’s Motion for Summary Judgment and/or Motion to Dismiss, ECF No. 24, Plaintiff’s Motion to Amend his Complaint, ECF No. 31, Plaintiff’s Motion for Issuance of Subpoena, ECF No. 37, and Plaintiff’s Motion for an Extension of Time to Complete Discovery, ECF No. 43. The Court will rule on each motion in turn, beginning with Plaintiff’s Motions.

1. Motion to Amend Complaint, ECF No. 31

After Plaintiff filed his Complaint, on April 25, 2016, Defendants appeared and filed a Motion for Summary Judgment and/or Motion to Dismiss. ECF No. 24. After being served with Defendants’ Motion, on May 17, 2016, Plaintiff filed a Motion to Amend his Complaint. ECF No. 31. In his Motion, Plaintiff seeks to add Elaine F. Epting as a Defendant in this action. *See id.* In his proposed verified Amended Complaint, Plaintiff alleges that Ms. Epting controls Folline Opticians and participated in denying Plaintiff services. ECF No. 31-2. Additionally, Plaintiff maintains that Ms. Epting “act[ed] in concert with and or failed to prevent a common [scheme] to prevent Defendants Bowen and Epting from retaliating and causing perma[nent] damage and mental abuse of [Plaintiff].” *Id.* at 1-2. Further, he alleges that Ms. Epting was

deliberately indifferent to his serious medical needs. *Id.* at 3-4. Thereafter, Plaintiff asserts two causes of action against Ms. Epting. *See id.* at 4-7. Other than adding Ms. Epting as an additional defendant, Plaintiff asks that the Court change Defendant Folline Vision Center Inc to Defendant Folline Opticians. ECF No. 31-1.

Plaintiff filed his Motion prior to the Motions to Amend Pleadings deadline of May 26, 2016, set by the Court. ECF No. 28. Therefore, Plaintiff's Motion is **GRANTED** pursuant to Fed. R. Civ. P. 15(a)(1)(B). The Clerk is instructed to docket Plaintiff's Amended Verified Complaint as the operative pleading in this case. Upon attachment by the Clerk, Defendant Epting, may answer or otherwise respond to Plaintiff's Supplemental Pleading in accordance with Rule 15(a)(3) of the Federal Rules of Civil Procedure. Defendant's time to respond will begin and service will be effected when the Clerk docket Plaintiff's Amended Complaint.

2. Motion to Issue Subpoena, ECF No. 37

Plaintiff requests that the Court issue a subpoena to Dr. Reginal Adams, a non-party to this action. ECF No. 37. In his Motion, Plaintiff completed the U.S. District Court subpoena form and included Dr. Adams' name and address. *See id.* Plaintiff's Motion, ECF No. 37, is **GRANTED**. The Clerk is instructed to issue Plaintiff's proposed subpoena and is further instructed to attach the written deposition questions Plaintiff submitted as an attachment, *see* ECF No. 37-2, to the subpoena. Within 5 days of receiving the subpoena, Plaintiff is instructed to serve Dr. Adams with a copy of the subpoena and is also instructed to serve Defendants with a copy of the subpoena in accordance with Rule 45 of the Federal Rules of Civil Procedure.

3. Motion for Extension on Discovery, ECF No. 43

Plaintiff requests that the Court grant him a 30-day extension to complete discovery. *See*

ECF No. 43. Based on the Court's previous rulings, Plaintiff's Motion for an Extension is **GRANTED**. The new discovery deadline will now be August 15, 2016, and the new motions' deadline will be September 26, 2016.

4. Motion for Summary Judgment and/or Motion to Dismiss, ECF No. 24

On April 25, 2016, Defendants filed a Motion for Summary Judgment and/or Motion to Dismiss. ECF No. 24. Among other arguments, Defendants maintain "there is no allegation or evidence that any of the alleged conduct was motivated by a specific class-based discriminatory animus." ECF No. 24-1. However, it is too early in the litigation process to determine whether evidence of discrimination as discovery is not yet complete. Therefore, Defendants' Motion, ECF No. 24, is **DENIED WITHOUT PREJUDICE** with leave to refile on or before the September 26, 2016 motions' deadline.

**IT IS SO ORDERED.**

Signed this 23rd day of June, 2016, in Columbia South Carolina.

/s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE